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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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September 1, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt:

I write regarding the Arkema chemical facility, which was inundated with more than 40 inches of rain due to Hurricane Harvey and has suffered two explosions stemming from its storage of organic peroxides which become unstable and explode when they are not kept sufficiently cool. According to reports¹, the facility lost its primary power supply because of the hurricane, but its emergency generators, which presumably were installed in order to mitigate against primary power outages, reportedly also failed, as did a secondary emergency cooling system.

I am concerned that the loss of offsite and emergency power combined with the evacuation of the facility has also reduced the facility's ability to protect against a worst-case release of toxic sulfur dioxide gas, which the facility also contains. In addition, I am concerned that the President's FY 2018 budget request proposed to cut the EPA program responsible for inspecting chemical facilities to ensure they are safe by almost 35 percent. Finally, I am also concerned that you recently decided to delay the implementation of a rule to improve the safety and emergency preparedness of chemical facilities by two years².

Under Section 112(r) of the Clean Air Act, chemical facilities that store above-threshold quantities of certain dangerous chemicals are required to implement a Risk Management Plan to prepare for a worst-case release of these chemicals due to an accident or a terrorist attack. In addition to the chemicals responsible for the explosions at the Arkema facility, the facility also contains enough toxic sulfur dioxide gas to impact those living within 23 miles of the facility if all of it was released³.

A review of Arkema's Plan submitted to EPA states that "The multiple layers of preventive and mitigation measures in use at the Crosby facility make it very unlikely that either worst-case scenario will occur". However, an examination of the listed measures make clear that it is unlikely that any of them remain in place, since they all appear to rely on the use of remote

¹ <https://www.nbcnews.com/storyline/hurricane-harvey/harvey-danger-major-chemical-plant-near-houston-likely-explode-facility-n797581>

² https://www.booker.senate.gov/?p=press_release&id=650

³ https://www.washingtonpost.com/news/post-nation/wp/2017/08/30/texas-town-under-emergency-evacuation-as-flooded-chemical-plant-nears-explosion/?utm_term=.28e63db80c60

monitors, shut-off valves and communications systems that require electricity (that the facility does not currently have) and/or 24-hour onsite emergency responders (who have all been evacuated). The failure of both of Arkema's emergency backup power supply measures and subsequent evacuation of on-site personnel clearly raise questions related to the sufficiency of Arkema's Plan and its implementation.

EPA is responsible for overseeing and inspecting the 12,500 facilities with Risk Management Plans and employs about 30 inspectors, which limits the EPA to conducting about 300-350 inspections each year. Yet the President's FY 2018 budget request¹ proposes to cut the budget for this program by almost 35 percent, from \$15.289 million in FY 2017 to just over \$10 million. This seems shortsighted at best.

In light of the seriousness of the events at the Arkema facility, I ask for your prompt response to the following questions:

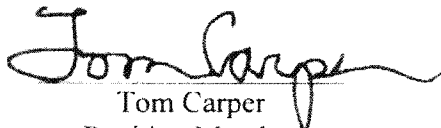
1. In what year was the Arkema facility in Crosby, TX last inspected under the Risk Management Plan program? Please provide documentation of any adverse findings associated with that inspection.
2. In what year was every other Arkema facility in the U.S. that is subject to the Risk Management Plan program last inspected? Please provide documentation of any adverse findings associated with all such inspections.
3. Please describe any requirements EPA inspectors evaluate that are related to the placement or maintenance of back-up power supplies such as emergency diesel generators. For example, must these systems be stored in flood-proof containers or installed at elevations that can withstand a 1,000-year flood such as the one caused by Hurricane Harvey? How many days' worth of diesel fuel is required to be stored onsite, and do these fuel supplies also have to be flood-proofed or elevated? If no such measures are required to be implemented or evaluated by EPA inspectors, why not?
4. Does EPA plan to require Risk Management Plan facility owners to update their Plans (and implementation thereof) to account for the increase in frequency and intensity of extreme weather events such as hurricanes, floods and wildfires that may be attributable to climate change? If not, why not?
5. In light of this incident, do you continue to support the President's FY 2018 proposed 35 percent reduction in funds for the Risk Management Plan program? If so, why? If not, why not?
6. In light of this incident, do you continue to support the two-year delay in the implementation date of the update of the Risk Management Rule you recently promulgated, and if so, why?

¹ <https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf> Page 187

Thank you very much for your attention to this important matter. Please provide your response no later than September 29, 2017. If you or members of your staff have further questions, please feel free to ask them to contact Ms. Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832.

With best personal regards, I am,

Sincerely yours,



Tom Carper
Ranking Member

